

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 3 RULES AND REGULATIONS FOR MENHADEN (Brevoortia sp.) FISHING IN THE STATE ON MISSISSIPPI

Chapter 01 Introduction

Purpose

100 This Part provides for the regulation of Menhaden fishing through season and area restrictions.

Chapter 02 Justification and Authority

100 Pursuant to Miss. Code Ann. § 49-15-35, as amended, the Mississippi Commission on Marine Resources (MCMR) is vested with the authority to prohibit the taking and catching of menhaden within certain limits of the shoreline of the county so requesting, providing the request is made by the Board of Supervisors of the county desiring such a prohibition; and further providing that the said limit shall not exceed two (2) miles from the shoreline, or two (2) miles from the corporate limit boundaries of any municipality bordering on the Mississippi Sound as stated in MS Code Ann. § 49-15-35.

101 The MCMR is aware that the Board of Supervisors of Hancock and Harrison Counties, Mississippi have requested in the past a rule be adopted prohibiting the taking and catching of menhaden within a one (1) mile and two (2) mile limit of the shoreline of Hancock and Harrison Counties, Mississippi.

102 The MCMR has determined that it would be in the best interest and welfare of the State of Mississippi to prohibit the taking and catching of menhaden within a one (1) mile limit of the shoreline of Hancock and Harrison Counties, Mississippi.

103 The MCMR is vested with the authority to set a season for menhaden fishing, provided the opening of the season is established not later than the third Monday in April and the ending no sooner than the second Tuesday in October; as provided in Miss. Code Ann. § 49-15-74, as amended.

104 The MCMR has determined that it is in the best interest of the menhaden fishery to set the season for menhaden fishing to open on the third Monday in April and to close on the first day of November of each year.

Chapter 03 Definitions

100 **SHORELINE** shall be defined as that area where the water contacts the land including the

mainland and all offshore and barrier islands.

Chapter 04 Closure Area

100 It shall be unlawful for any person, firm, or corporation to take or catch menhaden from the waters under the jurisdiction of the MCMR within one (1) mile of the shoreline of Hancock and Harrison Counties, Mississippi.

Chapter 05 Fishing Season

100 It shall be unlawful for any person, firm or corporation to take or attempt to take any menhaden from the waters of the State of Mississippi, except from the third Monday in April through the first day of November of each year.

Chapter 06 Penalties

100 Any unlawful act under this Part committed by any person, firm, or corporation shall be deemed a violation of the provisions of this Part and shall constitute a misdemeanor and upon conviction, said person shall be punished in accordance with Miss. Code Ann. § 49-15-63, as amended, unless a penalty is specifically provided elsewhere in the Mississippi Code of 1972, as amended.

Chapter 07 Chapters and Subchapters Declared Separable

100 Each chapter and subchapter of this Part shall be declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 03 shall remain in full force and effect.

101 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

Chapter 08 Administrative Procedures Act

100 Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, *et seq.*, of the Mississippi Code of 1972, as amended, the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 3.003 has been modified and the MCMR and Mississippi Department of Marine Resources have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
PART 3 RULES AND REGULATIONS FOR MENHADEN (Brevoortia sp.) FISHING
IN THE STATE ON MISSISSIPPI, shall be in effect and be in force from and after the ____ day
of _____, 2006.

Adopted this the _____ day of _____ 2006.

MISSISSIPPI COMMISSION ON MARINE RESOURCES

By: _____
Vernon Asper, Ph.D., Chairman

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: _____
William W. Walker, Ph.D., Executive Director